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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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11 UNITED STATES OF AMERICA,

No. 3:14-CR-00102-CRB

12 Plaintiff,

**ORDER RE MOTION FOR EXTENSION
OF TIME TO SELF-SURRENDER**

13 v.

14 IAN FURMINGER,

15 Defendant.
16 _____/

17 Now before the Court is Ian Furminger's motion for an extension of time to self-
18 surrender. See Mot. (dkt. 265). Furminger currently is scheduled to self-surrender on or
19 before April 3, 2015. On March 24, 2015, Furminger filed a motion in the Court of Appeals
20 for the Ninth Circuit requesting bail pending appeal. See Appellant's Mot. for Bail (dkt.
21 263). This Court recognizes that Ninth Circuit Rule 9-1.2(e) entitles Furminger to a stay of
22 his surrender date until the Court of Appeals rules on his motion for bail pending appeal.
23 "The operation of the rule, however, is automatic and provides an appellant, who is still
24 released, whether on bond or on his or her own recognizance, with an automatic stay of
25 surrender upon the filing in [the Ninth Circuit] of a motion for bail pending appeal." United
26 States v. Fuentes, 946 F.2d 621, 622 (9th Cir. 1991). This Court does not interfere with the
27 operation of Rule 9-1.2(e). Accordingly, Furminger's motion for an extension of time to
28 self-surrender is DENIED AS MOOT. The hearing on this motion scheduled for

1 April 2, 2015, at 10:00 a.m. is VACATED.

2 **IT IS SO ORDERED.**

3 Dated: March 27, 2015



4 CHARLES R. BREYER
5 UNITED STATES DISTRICT JUDGE
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